

Sills Cummis & Gross

A Professional Corporation

The Legal Center
One Riverfront Plaza
Newark, New Jersey 07102
Tel: (973) 643-7000
Fax (973) 643-6500

Jaimee Katz Sussner
Member
Direct Dial: 973-643-6281
Email: jsussner@sillscummis.com

101 Park Avenue
28th Floor
New York, NY 10178
Tel: (212) 643-7000
Fax: (212) 643-6500

August 5, 2021

Via ECF

Hon. Madeline Cox Arleo, U.S.D.J.
United States District Court for the District of New Jersey
Martin Luther King Building & U.S. Courthouse
50 Walnut Street
Newark, New Jersey 07101

Hon. Leda Dunn Wettre, U.S.M.J.
United States District Court for the District of New Jersey
Martin Luther King Building & U.S. Courthouse
50 Walnut Street
Newark, New Jersey 07101

**Re: *Wells Fargo Bank, Nat'l Ass'n, et al. v. Levine, et al.*
Civil Action No. 19-cv-17866-MCA-LDW (the "Wells Action")**

***U.S. Bank Nat'l Ass'n, et al. v. Levine, et al.*
Civil Action No. 19-cv-17865 (the "US Bank Action")**

Dear Judges Arleo and Wettre:

This firm represents Colliers International NJ LLC, the Court-Appointed Receiver (the "Receiver") for the properties that are subject of the actions listed above. We write to request the Court's assistance with the issues detailed below affecting the receivership and to facilitate the sale of certain properties.

A. Receiver's Discharge as to Kearny Norse Only (Wells Action)

Counsel for the plaintiff in the Wells Action has advised us that it has completed foreclosure proceedings in the New Jersey Superior Court for the property located 165 Quincy

Sills Cummis & Gross
A Professional Corporation

Hon. Madeline Cox Arleo, U.S.D.J.

Hon. Leda Dunn Wettre, U.S.M.J.

August 5, 2021

Page 2

Ave., Kearny, New Jersey, which was previously owned by defendant Kearny Norse LLC (the “Kearny Norse Property”).

Accordingly, the plaintiff and the Receiver agree that the Receiver should be discharged as to that asset, and jointly submit the enclosed proposed Consent Order Discharging Receiver as to the Kearny Norse Property, only, which is attached hereto as **Exhibit A**. If acceptable to the Court, we respectfully request that the Court enter the enclosed form of Order.

B. The Aljo Norse Sale Order (Wells Action, ECF #184)

On July 26, 2021, the Court entered an Order Approving the Receiver’s Sale of the property located at 125 6th Avenue, Clifton, New Jersey (the “Aljo Norse Property”), free and clear of all liens, claims, and encumbrances (ECF # 184). Upon review, it appears the Aljo Norse Sale Order is missing the first page of Exhibit C, the Schedule of Liens, Claims, and Encumbrances to be discharged and deemed of no further force and effect as to the Aljo Norse Property. To facilitate the closing of this sale, the Receiver respectfully requests the entry of an amended Order identifying the first page of Exhibit C. Enclosed for the Court’s consideration as **Exhibit B** is a copy of the July 26, 2021 Sale Order for the Aljo Norse Property (ECF #184) along with a copy of Exhibit C to the proposed Order submitted in connection with the Receiver’s Sale Motion (ECF # 153-4).

C. The Atlantic Norse Sale Order (US Bank Action, ECF # 181)

On July 15, 2021, the Court entered an Order Approving the Receiver’s Sale of the properties owned by Atlantic Norse LLC, located at 212, 214, and 225 Atlantic Avenue (the “Atlantic Norse Properties”) free and clear of all liens, claims, and encumbrances (ECF # 181). We anticipate that the closing for the Atlantic Norse Properties will proceed on or about August 24, 2021, however, to clarify certain deadlines related to the closing and the parties’ rights/obligations under the Order, we seek confirmation from the Court that the Atlantic Norse Sale Order (ECF #181) was, in fact, issued on July 15, 2021, the date when the Order was entered on the Court’s ECF docket. To that end, the Receiver respectfully requests that an amended Order reflecting the original date of entry (*i.e.* July 15, 2021) be issued by the Court.

D. The Brooklawn Norse Sale Motion/Order (US Bank Action, ECF # 165)

On June 25, 2021, the Receiver moved for an Order Authorizing the Sale of the property located at 301, 401, and 501 Browning Lane, Brooklawn, New Jersey (the “Brooklawn Norse Property”), free and clear of all liens, claims, and encumbrances (ECF #165). That motion was returnable on July 19, 2021, and, to date, no party or Interested Party (as defined in the motion) has opposed the Receiver’s requested relief. To facilitate the completion of the sale, the Receiver respectfully requests its motion to sell the Brooklawn Norse Property be granted as

Sills Cummis & Gross
A Professional Corporation

Hon. Madeline Cox Arleo, U.S.D.J.

Hon. Leda Dunn Wettre, U.S.M.J.

August 5, 2021

Page 3

unopposed.

Should the Court wish to discuss the requested relief as to the Kearny Norse Property and/or the Aljo Norse Property, we will make ourselves available to do so at the Court's convenience. Thank you for the Court's courtesies and consideration of these matters.

Respectfully submitted,

/s/ Jaimee Katz Sussner

Jaimee Katz Sussner

Enclosure

cc: All Counsel of Record (via ECF)